

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:	§	
	§	
WINTeG DEVELOPMENT LLC,	§	CASE NO. 21-41564
	§	(Chapter 7)
DEBTOR.	§	
	§	

**MOTION FOR AUTHORITY TO SELL REAL PROPERTY FREE  
AND CLEAR OF ALL LIENS, CLAIMS AND ENCUMBRANCES**

**21-DAY NEGATIVE NOTICE – LBR 9007(a):**

**Your rights may be affected by the relief sought in this pleading. You should read this pleading carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you oppose the relief sought by this pleading, you must file a written objection, explaining the factual and/or legal basis for opposing the relief. No hearing will be conducted on this Motion/Objection/Application unless a written objection is filed with the Clerk of the United States Bankruptcy Court and served upon the party filing this pleading WITHIN TWENTYONE (21) DAYS FROM THE DATE OF SERVICE shown in the certificate of service unless the Court shortens or extends the time for filing such objection. If no objection is timely served and filed, this pleading shall be deemed to be unopposed, and the Court may enter an order granting the relief sought. If an objection is filed and served in a timely manner, the Court will thereafter set a hearing with appropriate notice. If you fail to appear at the hearing, your objection may be stricken. The Court reserves the right to set a hearing on any matter.**

**TO THE HONORABLE BRENDA T. RHOADES, U.S. BANKRUPTCY JUDGE:**

Christopher J. Moser, Trustee ("**Trustee**") files his Motion for Authority to Sell Real Property Free and Clear of All Liens, Claims and Encumbrances ("**Motion**") pursuant to the provisions of 11 U.S.C. §363(f) as follows:

1. On November 2, 2021, Winteg Development LLC ("**Debtor**") filed with this Court a voluntary petition under Chapter 7 of the Bankruptcy Code.
2. Christopher J. Moser is the acting Chapter 7 Trustee of the Debtor's bankruptcy estate.
3. The bankruptcy estate owns three lots located at 3711, 3713, and 3717 Parkwood Lane Denison, Texas 75020 more particularly described by their respective legal descriptions as follows:

LOT 2, BLOCK "F" OF THE GREENWAY PARK, PHASE 1 OF GATEWAY VILLAGE, AN ADDITION TO THE CITY OF DENISON, TEXAS, ACCORDING TO THE AMENDED PLAT OF RECORD IN VOLUME 24, PAGE 149, PLAT RECORDS OF GRAYSON COUNTY, TEXAS.

LOT 3, BLOCK "F" OF THE GREENWAY PARK, PHASE 1 OF GATEWAY VILLAGE, AN ADDITION TO THE CITY OF DENISON, TEXAS, ACCORDING TO THE AMENDED PLAT OF RECORD IN VOLUME 24, PAGE 149, PLAT RECORDS OF GRAYSON COUNTY, TEXAS.

LOT 5, BLOCK "F" OF THE GREENWAY PARK, PHASE 1 OF GATEWAY VILLAGE, AN ADDITION TO THE CITY OF DENISON, TEXAS, ACCORDING TO THE AMENDED PLAT OF RECORD IN VOLUME 24, PAGE 149, PLAT RECORDS OF GRAYSON COUNTY, TEXAS. (collectively, the "**Lots**").

4. The Lots are encumbered by a Deed of Trust lien in the approximate amount of \$277,310.93 in favor of OVI VI, LLC ("**OVI**") and ad valorem tax liens of Grayson County in the approximate amount of \$5,200.00. Taxes continue to accrue.

5. The Trustee has received an offer from MDC Homes, LLC and/or its assigns ("**Buyer**") to purchase all three for the price of \$65,000.00 per Lot for a total purchase price of \$195,000.00. The offer will result in a "short sale" since there will be insufficient sale proceeds to pay-off the entire lien indebtedness owed to OVI.

6. Trustee seeks authority to sell the Lots to the Buyer for \$195,000.00 and to pay in waterfall fashion: i) first, ad valorem real property taxes due through closing date of the sale on the Lots to Grayson County and associated taxing authorities there, ii) second, to pay the bankruptcy estate a carve-out from OVI's lien of 3% of the sales price plus \$2500.00 (currently estimated to be a minimum of \$8,350.00<sup>1</sup>); iii) third to pay normal closing costs, including, but not limited to unpaid property taxes, a realtor's commission of 6%, and title policy premiums aggregating approximately of \$1,800.00 and then (iv) finally all of the residual of the sale price proceeds to OVI (currently estimated to be about \$170,000.00) for a release of liens on the Lots.

7. Trustee further seeks authority to execute, if necessary, the documents needed to release

OVT's mortgage lien upon the Lots following payment of the residual of the sale price proceeds to OVT (currently estimated to be about \$170,000.00). Trustee seeks further authority to sign any and all documents necessary to close the sale of the Lots, including but not limited to lien releases and partial lien releases.

8. In summary, the Trustee seeks authority to sell the Lots pursuant to 11 U.S.C. §363(f) on the following terms:

- a. Property to be sold: the Lots (as defined above)
- b. Purchaser: MDC Homes, LLC and/or its assigns
- c. Price: \$195,00.00
- d. Terms: Cash to Seller
- e. Release of Liens: OVI will release its first lien upon the Lots upon being paid the residual sale price proceeds as set forth in paragraph 6 above, currently estimated to be approximately \$170,000.00.

9. Trustee believes that the sale of the Lots, as set forth herein, is in the best interest of the estate. This proposed sale is subject to any higher or better offers from a qualified buyer prior to the entry of a sale order approving this Motion.

10. Finally, due to the need to close this sale so as to stop the accrual of property taxes and to retain the Buyer, Trustee requests that any order approving this Motion exclude the fourteen day stay provided in Rule 6004(h) of the Federal Rules of Bankruptcy Procedure.

**WHEREFORE, PREMISES CONSIDERED,** the Trustee respectfully requests that pursuant to the provisions of 11 U.S.C. §363(f) this Court approve the sale of the Lots to a buyer on the above terms and that Trustee be granted such other and further relief to which he is justly entitled.

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<sup>1</sup> This amount includes a 3% commission to the Trustee and \$2,500.00 for the attorney's fees incurred by the Trustee in pursuing this Motion.

Respectfully submitted,

QUILLING, SELANDER, LOWNDS,  
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By: /s/ Charles F. Baum  
Charles F. Baum  
Texas Bar No. 01926100  
Christopher J. Moser  
Texas Bar No. 14572500  
ATTORNEYS FOR TRUSTEE

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of February, 2022, a true and correct copy of the foregoing Motion was served (a) by ECF upon all persons who have filed ECF appearances in this case, including counsel for the Debtor, the Trustee, the United States Trustee, and all parties who have filed a notice of appearance or request for notice in this case, (b) upon those specified as set forth below, and (c) by first class mail, postage prepaid, upon the service list attached hereto, which is the master mailing list (matrix) as constituted by the Court on the date of service. The service list is omitted from service copies to avoid unnecessary copying and postage charges, but a copy can be obtained free of charge by making a written request to Diana Cruz at Quilling, Selander, Lownds, Winslett & Moser, P.C., 2001 Bryan Street, Suite 1800, Dallas, Texas 75201, fax (214) 871-2111, e-mail [dcruz@qslwm.com](mailto:dcruz@qslwm.com).

Office of the U.S. Trustee  
110 N. College Ave., Suite 300  
Tyler, TX 75702  
(Via ECF)

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, Pa. 19101-0424  
(Via regular mail)

Winteg Development LLC  
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(Via regular mail)

Internal Revenue Service  
1100 Commerce Street, Room 951  
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(Via regular mail)

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(Via ECF)

TPJ Properties, Ltd.  
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(Via regular mail)

/s/ Charles F. Baum